

1 STATE OF NEVADA
2 LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
3 RELATIONS BOARD
4

5 INTERNATIONAL BROTHERHOOD OF
6 TEAMSTERS, LOCAL 14, AFL-CIO,
Petitioner,

7 vs.

8 CLARK COUNTY SCHOOL DISTRICT, and
9 EDUCATION SUPPORT EMPLOYEES
ASSOCIATION,
Respondents.

ITEM NO. 520J

CASE NO. A1-045735

ORDER

11 EDUCATION SUPPORT EMPLOYEES
12 ASSOCIATION,
Counter Claimant,

13 vs.

14 INTERNATIONAL BROTHERHOOD OF
15 TEAMSTERS, LOCAL 14, AFL-CIO, and
CLARK COUNTY SCHOOL DISTRICT,
Counter Respondents.

17 For Petitioner: Michael W. Dyer, Esq.
18 Dyer, Lawrence, Penrose, Flaherty & Donaldson

19 For Respondents: Kristin L. Martin, Esq.

20 C.W. Hoffman, Esq.
Clark County School District

21 This matter came on for discussion and deliberations by the Local Government
22 Employee-Management Relations Board ("Board") on the 30th day of May, 2007, noticed
23 pursuant to NRS and NAC chapters 288, NRS chapter 233B, and Nevada's open meeting laws.
24 The Board finds, concludes, and orders as follows:

25 NRS chapter 288 requires the employee organization to have the support of 50% plus one
26 of the bargaining unit members. This prior ruling-requirement of 50% plus one by the Board
27 was affirmed by the Nevada Supreme Court. Neither employee association or union, nor the
28 "no-union" option, prevailed by obtaining the 50% plus one of the members of the bargaining

1 unit at the Board ordered election. The Board initially had a good faith doubt whether the union
2 or association, if any, enjoyed the support of the majority of the members of the bargaining unit
3 at issue, and such is now intuitively obvious and confirmed to any casual observer of the election
4 results. In the Board's opinion, a run-off election would not change that result, nor has one been
5 requested by any party to this matter.

6 The Board then acted within its statutory duty by certifying the election. NAC 288.110.
7 The Board properly refused to grant the motion brought by the Teamsters that the choice "no
8 union" won the election as that option did not have the vote of 50% plus one of the bargaining
9 unit members, and simply ruled that it has exhausted its jurisdiction. No objections were filed by
10 ESEA or Teamsters 14 to the election results as certified by this Board or the procedures of the
11 election.

12 The parties then sought judicial review of that decision; and the Court remanded this
13 matter to this Board for clarification of its earlier ruling.

14 NRS 288.160(3) and NAC 288.145 allow the government employer to withdraw
15 recognition of the employee association. In this matter, the Clark County School District
16 ("School District") has not sought to withdraw its recognition of the Education Support
17 Employees Association ("ESEA"); and as of this date, there is no case pending before this Board
18 brought by the School District to withdraw recognition of the ESEA. In the absence of any
19 petition to this Board alleging an unfair labor practice as a result of the employer's recognition of
20 the ESEA or the employer itself seeking to withdraw recognition of ESEA, this Board is not
21 authorized by statute to independently assert itself into the matter and act under NRS chapter
22 288.

23 It should be further noted that at the administrative hearing in this matter, evidence was
24 presented which demonstrated to this Board that the ESEA has due-paying members in excess of
25 50% plus one from the bargaining unit at issue. Thus, the government employer has not
26 requested permission to withdraw its recognition of the ESEA, and evidence was produced that
27 the majority of the bargaining unit members pay dues to ESEA.

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1 The Board acted properly in certifying the election. Without more coming before the
2 Board, the Board is not statutorily obligated to proceed any further. Without the parties or any
3 person seeking further relief from the Board, the election results leave the situation status quo.
4 Notice shall be taken that NRS chapter 288 was enacted by the Legislature to ensure labor
5 stability, and the decisions by the Board in this matter were intended to achieve that result.

6 DATED this 31st day of May, 2007.

7 LOCAL GOVERNMENT EMPLOYEE-
8 MANAGEMENT RELATIONS BOARD
9

10
11 BY: John E. Dicks
12 JOHN E. DICKS, ESQ., Chairman

13 BY: Janet Trost
14 JANET TROST, ESQ., Vice-Chairman

15 BY: James E. Wilkerson
16 JAMES E. WILKERSON, SR., Board Member
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